



02-0603

-DAC #41

PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b))**Docket Number (Optional)  
53116-1780

First named inventor: Roy Curtiss III

Application No.: 08/473,789

Group Art Unit: 1645

Filed: 06/07/95

Examiner: Ginny Portner

Title: Recombinant Bacterial Vaccine System with Environmentally Limited Viability

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231**RECEIVED**  
FEB 10 2003The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. **OFFICE OF PETITIONS****APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION****NOTE:** A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☒ Small entity-fee \$650 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ (37 CFR 1.17(m))**2. Reply and/or fee**

- A. The Commissioner is hereby authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- B. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-0823. I have enclosed a duplicate copy of this sheet.

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Burden Hour Statement: This information is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

02/07/2003 CV0111 00000078 200823 08473789

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

2/4/03  
Date

Daniel S. Kasten  
Signature

Telephone  
Number: 314-552-6000

Daniel S. Kasten  
Typed or printed name

Thompson Coburn LLP  
Address

Enclosures: X Fee Payment Form

One US Bank Plaza, St. Louis, MO 63101-9928

- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

CERTIFICATE OF EXPRESS MAIL (37 CFR 1.10) OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231. Express Mail No. EL934232051US
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

02/04/03  
Date

Daniel S. Kasten  
Signature

Daniel S. Kasten  
Typed or printed name of person signing certificate